



CHAPTER IV.

An Act to empower the mayor aldermen and burgesses of the county borough of Stockport to construct additional waterworks to confer further powers in connection with their water gas and electricity undertakings and in regard to the finance and local government of the borough and for other purposes.

A.D. 1934.

[12th July 1934.]

WHEREAS the borough of Stockport is a county borough under the government of the mayor aldermen and burgesses of the borough acting by the council (in this Act respectively referred to as "the borough" and "the Corporation"):

And whereas by the Stockport Corporation Water Act 1899 and divers other Acts the Corporation are the owners of waterworks and are empowered and required to supply water to the inhabitants of the borough and a considerable area in the neighbourhood thereof:

And whereas by the Stockport Corporation Act 1930 the Corporation were authorised to construct new reservoirs and other works for taking the waters of the river Goyt and other brooks and streams and certain aqueducts for conveying the same to the limits for the supply of water by the Corporation:

And whereas the construction by the Corporation of the dam of one of the said new reservoirs called "the Fernilee reservoir" is in progress and it is expedient

A.D. 1934. — that the Corporation should be authorised to enlarge the said reservoir by increasing the height of the said dam and for such purpose and in connection therewith to construct the works (among others) referred to in this Act :

And whereas it is expedient that the Corporation should be authorised to construct the additional service reservoirs and the aqueducts and lines of pipes in connection therewith which are also referred to in this Act :

And whereas it is expedient that further powers should be conferred upon the Corporation with reference to their water gas and electricity undertakings :

And whereas under and by virtue of the Local Government and other Officers' Superannuation Act 1922 the Corporation have established a superannuation fund for the payment thereof of superannuation allowances to their officers and servants and it is expedient that the provisions relating to the said fund should be amended and extended as by this Act provided :

And whereas it is expedient that the provisions with regard to the finances of the Corporation which are contained in this Act should be made and that the Corporation should be empowered to borrow for the various purposes mentioned in this Act :

And whereas it is expedient that the other provisions contained in this Act should be enacted :

And whereas estimates have been prepared for the purposes hereinafter mentioned and such estimates are as follows :—

For and in connection with the construction of the works by this Act authorised	- - - -	£183,000
For and in connection with the purchase of lands and easements	-	£5,000

And whereas the several works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years :

And whereas plans and sections showing the lines and levels of the works authorised by this Act and a book of reference to the plans containing the names of the owners or reputed owners and lessees or reputed

lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the town clerk of the borough and with the clerks of the county councils respectively of the county palatine of Chester and of the county of Derby which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference :

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And whereas the objects of this Act cannot be attained without the authority of Parliament :

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed :

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

PART I.

PRELIMINARY.

1. This Act may be cited, as the *Stockport Cor- Short title.*
poration Act 1934.

2. This Act is divided into Parts as follows :—

Act divided
into Parts.

Part I.—Preliminary.

Part II.—Water.

Part III.—Gas.

Part IV.—Electricity.

Part V.—Superannuation &c.

Part VI.—Finance and miscellaneous.

3. The following Acts so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act (that is to say) :—

Incorpora-
tion of
Acts.

- (1) The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845) Provided that the bond required by section 85 of the Lands Clauses Consolidation Act 1845

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shall be under the corporate seal of the Corporation and shall be sufficient without the addition of the sureties mentioned in that section :

(2) The Waterworks Clauses Act 1847 except—

(a) the words “ with the consent in writing “ of the owner or reputed owner of any “ such house or of the agent of such owner ” in section 44 ;

(b) sections 75 to 82 with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and section 83 relating to accounts :

(3) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and in such provisions for the purposes of this Act “ the railway ” means the waterworks authorised by this Act and “ the centre of the railway ” means the centres of such waterworks.

Interpreta-
tion.

4. Subject to the provisions of this Act and unless the subject or context otherwise requires the several words and expressions to which by the Acts incorporated with this Act meanings are assigned shall in this Act have the same respective meanings And in this Act—

“ The borough ” means the county borough of Stockport ;

“ The Corporation ” means the mayor aldermen and burgesses of the borough ;

“ The town clerk ” and “ the treasurer ” mean respectively the town clerk and the treasurer of the borough ;

“ The general rate fund ” and “ the general rate ” mean respectively the general rate fund and the general rate of the borough ;

“ The Act of 1930 ” means the Stockport Corporation Act 1930 ;

“ The Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 ;

“ The water undertaking ” means the water undertaking of the Corporation as from time to time authorised ;

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“ Statutory security ” shall have the same meaning as that assigned to it by the Stockport Corporation Act 1899.

PART II.

WATER.

5.—(1) Subject to the provisions of this Act the Corporation may in the borough and in the county palatine of Chester and in the county of Derby and in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections make and maintain the following works and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for those purposes (that is to say) :—

Power to
make water-
works.

Work No. 1 An enlargement of the Fernilee reservoir Work No. 4 authorised by the Act of 1930 by an extension and raising of the dam of the said reservoir already partly constructed across the river Goyt to be situate in the parishes of Taxal Hartington Upper Quarter and Fernilee ;

Work No. 2 A raising of a part of the aqueduct conduit or line or lines of pipes Work No. 13 authorised by the Act of 1930 near the dam of the said Fernilee reservoir in the said parish of Fernilee ;

Work No. 3 A raising and extension of the aqueduct conduit or line or lines of pipes Work No. 7 authorised by the Act of 1930 in the said parish of Taxal ;

Work No. 4 A raising and extension of the aqueduct conduit or line or lines of pipes Work No. 8 authorised by the Act of 1930 in the said parish of Fernilee ;

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Work No. 5 A raising and extension of the private carriageway Work No. 15 authorised by the Act of 1930 in the said parish of Fernilee ;

Work No. 6 A raising and extension of the public road Work No. 16 authorised by the Act of 1930 in the said parish of Fernilee ;

Work No. 7 An aqueduct conduit or line or lines of pipes commencing in the parish of Disley by a junction with Work No. 9 authorised by the Act of 1930 and terminating at Reddish in the borough by a junction with an existing pipe belonging to the Corporation Work No. 7. will be situate in the parish and rural district of Disley the urban districts of Marple Hazel Grove and Bramhall and Bredbury and Romiley and the borough ;

Work No. 8 An aqueduct conduit or line or lines of pipes in the urban district of Marple commencing by a junction with Work No. 7 authorised by this Act and terminating in the reservoir Work No. 9 hereinafter referred to ;

Work No. 9 A reservoir to be called " the High Lane service reservoir " to be situate in the urban district of Marple in the enclosures numbered respectively 979 and 980 on the Ordnance map scale 1/2500 Cheshire sheet XX.10 edition of 1909 ;

Work No. 10 An aqueduct conduit or line or lines of pipes to be situate in the urban district of Bredbury and Romiley commencing by a junction with Work No. 7 authorised by this Act and terminating in the reservoir Work No. 11 hereinafter referred to ;

Work No. 11 A reservoir to be called " the Greavefold service reservoir " to be situate in the urban district of Bredbury and Romiley in the enclosures numbered respectively 141 and 157 on the Ordnance map scale 1/2500 Cheshire sheet XI.9 edition of 1910.

(2) In addition to the foregoing works the Corporation may subject to the provisions of this Act upon the said lands make and maintain all such buildings

machinery works and apparatus as may be necessary or convenient in connection with or subsidiary to the before-mentioned works but nothing in this subsection shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

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6.—(1) In the construction of the works authorised by this Act the Corporation may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding six feet upwards and to any extent downwards Provided that the top water level of the said Fernilee reservoir as enlarged in pursuance of the provisions of this Act shall not any time be at a greater height than 800 feet above Ordnance datum.

Power to deviate.

(2) No part of any of the aqueducts by this Act authorised shall be constructed above the surface of the ground except so far as is shown on the deposited sections.

7. The powers conferred on the Corporation by the Act of 1930 to construct the Parkgate service reservoir Work No. 10 and the aqueduct conduit or line or lines of pipes Work No. 22 and so much of the aqueduct conduit or line or lines of pipes Work No. 9 as lies between a point in the parish and rural district of Disley thirty-six yards measured in a northerly direction from the north-east corner of the building known as the Ram's Head Hotel and its termination and any works in connection therewith authorised by that Act are hereby repealed and that Act shall be read and construed as if all references therein to the said Work No. 10 the said Work No. 22 and the said part of the said Work No. 9 were omitted therefrom.

Abandonment of certain authorised works.

8. Subject to the provisions of this Act the Corporation may enter on take and use the lands in the parish and rural district of Disley and in the parish of Lyme Handley in the rural district of Macclesfield hereinafter described and delineated on the deposited

Power to acquire further lands for water undertaking.

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— (that is to say):—

A piece or parcel of land containing 2 acres 2 roods 27 perches or thereabouts situate at or near the foot of the embankment of the Horse Coppice reservoir of the Corporation and numbered 2 and 3 on the deposited plans for the parish and rural district of Disley and 1 2 and 3 on the deposited plans for the parish of Lyme Handley :

Provided always that any water discharged from any waterwork constructed on the above mentioned land shall so far as may be reasonably practicable be free from mud or solid or polluting or offensive matter or matter injurious to fish or spawn or spawning beds or food of fish or to any cattle which may drink such water.

Period for compulsory purchase of lands.

9. The powers granted by this Act for the compulsory purchase of lands for the purposes authorised by this Act shall cease on the first day of October one thousand nine hundred and thirty-seven.

Power to take waters.

10. In addition to the powers vested in the Corporation under or by virtue of the Act of 1930 for the taking collecting using and appropriating for the purpose of their waterworks the waters of the river Goyt Berry Clough Foxhole Hollow Deep Clough Stake Clough Shooters Clough Wildmoorstone Brook Nell Hole Jep Clough Deep Clough Mill Clough and their respective tributaries and all such streams springs and waters as could be taken or collected by the waterworks authorised by the Act of 1930 and any works ancillary thereto the Corporation may take collect use and appropriate all the water which can be intercepted or abstracted by means of the works constructed under the provisions of this Act from the said streams or by means of the works authorised to be constructed under the provisions of the Act of 1930 as enlarged under the provisions of this Act.

Application of provisions of Act of 1930 to waterworks.

11. Subject to the provisions of this Act the works authorised by this Act shall for all purposes form part of the water undertaking and the provisions hereinafter mentioned of the Act of 1930 shall so far as the same are applicable to and are not inconsistent with the provisions

of this Act extend and apply mutatis mutandis to the said works as if they had been expressly re-enacted in this Act with reference thereto (that is to say):—

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- Section 10 (As to compensation water);
- Section 11 (Ascertainment of rainfall for purposes of compensation water);
- Section 16 (Liability for damage and injury);
- Section 17 (For preservation of scenery);
- Section 23 (For protection of Jodrell Estate);
- Section 32 (For protection of Cheshire County Council);
- Section 33 (For further protection of Cheshire County Council);
- Section 34 (For protection of Derbyshire County Council);
- Section 35 (For further protection of Derbyshire County Council);
- Section 36 (For protection of London Midland and Scottish Railway Company);
- Section 55 (Acquisition of easements);
- Section 56 (As to private rights of way over lands taken compulsorily);
- Section 58 (Correction of errors in plans and book of reference);
- Section 60 (Benefits to be set off against compensation); and
- Section 61 (Power to enter upon property for survey and valuation):

Provided that section 36 of the Act of 1930 shall for the purposes of this Act be read and have effect as if Works Nos. 1 4 5 and 7 by this Act authorised were referred to therein instead of Works Nos. 8 9 13 14 and 22 authorised by the Act of 1930.

12.—(1) The limits within which the Corporation are empowered to supply water shall be extended so as to include such part of the parish of Poynton-with-Worth in the rural district of Macclesfield in the county of Chester as is not already within the said limits.

Extension
of water
limits.

(2) The provisions of section 29 (For protection of Lord Vernon's trustees) of the Stockport Corporation

A.D. 1934. — Water Act 1901 shall apply and have effect in the said part of the parish of Poynton-with-Worth included by this Act within the Corporation's limits for the supply of water.

(3) Subject to the provisions of this section the Corporation shall have and may exercise within the said part of the said parish all and the like powers privileges and authorities for and in relation to the supply of water and be subject to all and the like duties and obligations in respect thereof as they now have and are subject to within their existing water limits.

As to purchase of Poynton waterworks.

13.—(1) The Corporation may at any time after the passing of this Act by agreement acquire from the Poynton Collieries Company Limited or other the owner or owners for the time being thereof the Poynton waterworks situate in the parish of Poynton-with-Worth and the plant mains pipes lands buildings rights and privileges of the said owner or owners in connection with such waterworks for such consideration and on such terms and conditions as may be contained in such agreement.

(2) On the completion of the purchase of the said waterworks section 29 (For protection of Lord Vernon's trustees) of the Stockport Corporation Water Act 1901 shall be and the same is hereby repealed.

Extension of powers for preventing waste &c. of water.

14.—(1) The power of making byelaws conferred by section 50 (Byelaws for preventing waste &c. of water) of the Stockport Corporation Water Act 1899 shall extend to enable the Corporation to make byelaws for securing the testing and stamping of taps cocks ferrules valves flushing cisterns flushing apparatus and other similar fittings and apparatus and prescribing the charge to be made for such testing and stamping.

(2) Any person who shall forge or counterfeit any stamp or mark used by the Corporation or by the authority of the Corporation for any of the purposes of this section or who shall use or supply anything marked with any such stamp or mark knowing the same to be forged or counterfeited shall for every such offence be liable to a penalty not exceeding twenty pounds.

(3) Nothing in this section or in any byelaw made thereunder shall apply to any railway or any fittings used on any premises (not being a dwelling-house) which

form part of the railway of a railway company or committee of railway companies so long as such fittings do not cause waste undue consumption misuse or contamination of water which is supplied by the Corporation.

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15. Subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes the Corporation may for the purpose of measuring the quantity of water supplied or of preventing and detecting waste affix and maintain meters and similar apparatus on the communication pipes and mains of the Corporation and stopcocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose break up and interfere temporarily with public and private streets sewers gas air or water pipes electric lines wires and apparatus :

Meters in streets to measure water or detect waste.

Provided that the Corporation shall not interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the said Act :

Provided further that nothing in this section shall extend to or authorise any interference with any works or apparatus of the Central Electricity Board to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with the provisions of that section :

Provided also that the Corporation shall not without the previous consent of a railway company or committee of railway companies exercise the powers of this section in respect of any street road footway or apparatus belonging to or maintainable by such railway company or committee but such consent shall not be unreasonably withheld :

Provided also that in the exercise of the powers of this section the Corporation shall not interfere with any gas mains pipes works or apparatus of the lord mayor aldermen and citizens of the city of Manchester.

16. Where the limits for the supply of water by the Corporation are bounded by or abut upon any street or road outside such limits the Corporation may for the purpose of supplying water to the owner or occupier

As to streets and roads forming boundary of limits of supply.

A.D. 1934. — of any premises abutting upon such street or road and being within such limits exercise with respect to such street or road the like powers of breaking up the same for the purpose of laying maintaining inspecting repairing and renewing pipes as are exerciseable by them with respect to streets or roads within the said limits and subject to the like conditions and the owner or occupier of any such premises may for the purpose of laying any communication pipes or of complying with any obligation to maintain any pipe or apparatus which he is liable to maintain exercise the like power of opening the ground between any main or pipe of the Corporation and his premises and of opening and breaking up so much of the pavement of the street and any sewer or drain therein as shall be between such main or pipe and his premises as if such street or road were within the said limits of supply :

Provided that nothing in this section shall entitle or require the Corporation to supply water to the owner or occupier of any premises abutting upon any such street or road as aforesaid and being outside the said limits of supply :

Provided also that in the exercise of the powers of this section neither the Corporation nor the owner or occupier of any premises shall interfere with any gas mains pipes works or apparatus of the lord mayor aldermen and citizens of the city of Manchester.

Amending
section 42
of Act of
1930.

17. For the purposes of subsection (3) of section 42 (Charges for hose pipes and refrigerating apparatus) of the Act of 1930 the term "refrigerating apparatus" where used in that subsection shall be deemed to include any apparatus depending while in use on a supply of continuously running water and any apparatus used for softening water which requires water for cleaning cooling regenerating or for motive power or similar purposes excepting water softening apparatus on domestic supplies and that subsection shall be read and have effect accordingly.

Discounts.

18.—(a) The Corporation may if they think fit make an allowance by way of discount not exceeding five per centum on the amount due in respect of any water rate or charge or any instalment thereof from any person who pays the same within such time after demand of the rate

or charge or any instalment thereof as the case may be as the Corporation shall prescribe. A.D. 1934.

(b) Provided that the same rate of discount shall be allowed in similar circumstances to every person from whom such water rate or charge or any instalment thereof shall be demanded.

(c) If and so long as the Corporation allow such discount notice of the effect of this enactment shall be endorsed on every demand note for water rates and charges.

19. Notwithstanding anything contained in this Act or shown upon the deposited plans the following provisions for the protection of the Honourable Richard William Davenport Legh his successors and assigns (all of whom are in this section referred to as "the owner") shall except so far as may be otherwise agreed in writing between the Corporation and the owner apply and have effect (that is to say):—

For protec-
tion of
Richard
William
Davenport
Legh.

(1) In this section—

(a) "the signed plan" means the plan which has been signed in duplicate by Thomas Dearden on behalf of the Corporation and by Charles Henry Clark on behalf of the owner one copy of which plan has been retained by the Corporation and the other copy thereof by the owner;

(b) "the said lands" means so much of the lands described in the section of this Act of which the marginal note is "Power to acquire further lands for water undertaking" as the Corporation are authorised to acquire by that section as amended by this section and includes the easement or right referred to in subsection (2) of this section:

(2) The Corporation shall not enter on take or use so much of the lands which are described in the said section of this Act of which the marginal note is "Power to acquire further lands for water undertaking" as is coloured pink upon the signed plan Provided that the Corporation may acquire an easement or right

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of laying a water main pipe or conduit underground across so much as aforesaid of the lands described in that section as lies between the points marked A and B on the signed plan :

- (3) The said lands shall only be used by the Corporation for filters filter beds and other works or buildings required for the filtration of water derived by them from the Horse Coppice reservoir of the Corporation and for the water main pipe or conduit which is referred to in subsection (2) of this section :
- (4) No boilers (other than for domestic heating) or chimneys shall be placed or erected on the said lands and no building exceeding twenty feet in height to the eaves from the surface of the ground upon which such building stands shall be erected by the Corporation on the said lands :
- (5) Any buildings erected on the said lands shall be constructed of stone quarried locally and so as to conform to the class of buildings in the immediate neighbourhood to the reasonable satisfaction of the owner and in accordance with plans and elevations to be previously submitted to and reasonably approved by him. Provided that unless within the period of twenty-eight clear days from the delivery of such plans and elevations the owner shall intimate to the Corporation any objection thereto he shall be deemed to have approved thereof :
- (6) Before commencing to use the said lands or any part thereof for the purposes referred to in subsection (3) of this section the Corporation shall to the reasonable satisfaction in all respects of the owner construct of stone quarried in the locality and so as to conform to the existing boundary wall of the property of the owner known as Lyme Park a wall of not less than six feet in height along the lines marked CD and DE on the signed plan and shall for ever thereafter maintain such wall to the like satisfaction :

- (7) The Corporation shall also (before commencing to use the said lands for the purposes aforesaid) to the reasonable satisfaction of the owner plant immediately to the south of the line CD on the signed plan and immediately to the north-east of the line DE thereon a belt of trees for the purpose of screening the said lands and any works or buildings constructed thereon from the adjoining lands of the owner and shall thereafter maintain such belt of trees to the like satisfaction : A.D. 1934.
- (8) The Corporation shall not at any time for the purpose of obtaining access to the said lands be entitled to pass over any lands of the owner except the private road or drive known as Red Lane leading from Fountain Square Disley to the lodge known as " Little Lodge " and the occupation road which is coloured green on the signed plan and the Corporation shall from time to time repay to the owner any expense reasonably incurred by him in making good any damage or wear which may be occasioned to such private road or drive or occupation road by the Corporation their officers servants or workmen either during or for or in connection with the construction of any works on the said lands and such proportion of the expense of repairing and maintaining the said private road or drive or occupation road after such construction as may be hereafter agreed upon between the parties or failing agreement determined by arbitration under this section :
- (9) Subject to the provisions of the Waterworks Clauses Act 1847 with respect to mines and minerals nothing in this Act shall prevent the exercise by the owner or any of his lessees or tenants of any rights they now possess of working or winning any mines or minerals or sub-strata or of using the water of any streams for boilers or other purposes :
- (10) The Corporation shall not be entitled to take collect use or appropriate any waters for the time being existing in on or under the said lands other than waters derived from their existing

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waterworks and brought on to the said lands for the purpose of filtration :

- (11) The Corporation shall not do or permit any act or thing upon the said lands so as to cause a nuisance :
- (12) The Corporation shall make full compensation to the owner and any such lessee or tenant and any servants workmen or other persons employed by him or any of them for all damage injury loss or expenses whatsoever which they may from time to time sustain by reason or in consequence of the bursting of or leakage from any filters or other works constructed or placed on the said lands :
- (13) Any difference which may arise under this section between the owner and the Corporation shall be determined by the arbitration of a single arbitrator to be appointed by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

For protec-
tion of
Rivers
Mersey and
Irwell
Catchment
Board.

20. The following provisions for the protection of the Rivers Mersey and Irwell Catchment Board (hereinafter in this section referred to as "the board") shall unless otherwise agreed in writing between the Corporation and the board apply and have effect (that is to say) :—

- (1) The Corporation shall not construct any part of any work by this Act authorised over or under any main river within the catchment area of the board otherwise than according to plans sections and specifications approved by the board or failing such approval determined by arbitration as hereinafter provided Provided that unless within a period of twenty-eight days from the delivery of such plans sections and specifications the board intimate to the Corporation any objection thereto they shall be deemed to have approved thereof :
- (2) Any works of the Corporation affecting any such river shall be executed to the reasonable

satisfaction of the board under the superintendence (if given) of the engineer of the board : A.D. 1934.

- (3) Any difference which may arise between the board and the Corporation under this section shall be referred to and determined by an arbitrator to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference :
- (4) If by reason of the execution repair or maintenance of any of the said works or of the failure of those works or of the maintenance thereof the channel or banks of any main river shall at any time be injured or damaged such injury or damage shall be forthwith made good by the Corporation to the reasonable satisfaction of the engineer of the board and if the Corporation fail so to do the catchment board may make good the same and recover the reasonable cost thereof from the Corporation.

21. For the protection of the Chapel-en-le-Frith Rural District Council (in this section called "the council") the following provisions shall notwithstanding anything contained in this Act and unless otherwise agreed in writing between the Corporation and the council have effect (that is to say) :— For protection of Chapel-en-le-Frith Rural District Council.

- (1) Notwithstanding anything shown on the deposited plans and sections the Corporation shall not be entitled to acquire the existing rights of the council to take water from beneath land now belonging to the Corporation and more particularly described in the grant dated the seventh day of June one thousand nine hundred and twenty-two from George Dunn to the council and delineated and described in the plan annexed thereto (in this section called "the aforesaid land of the Corporation") or to acquire any conduits conveying water from beneath the aforesaid land of the Corporation to the reservoir numbered on the plans deposited in relation to the Bill for the Act of 1930 73

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in the parish of Fernilee and 125 in the parish of Hartington Upper Quarter or to acquire any easement in the conduits :

- (2) In case any source of water supply of the council situate in the aforesaid land of the Corporation is taken away diminished or affected by reason of the construction of any of the works authorised by this Part of this Act the Corporation shall afford free of charge a supply of water to the council equal in every respect (including quantity quality and pressure) to the supply from such source before such taking away diminution or affection :
- (3) Any difference which may arise between the council and the Corporation under this section shall be referred to and determined by an arbitrator to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

For protection of
Bredbury
and Romiley Urban
District
Council.

22. Notwithstanding anything in this Act contained or shown on the deposited plans the following provisions shall have effect for the benefit and protection of the urban district council of Bredbury and Romiley unless otherwise agreed in writing between the Corporation and such council (that is to say) :—

- (1) In this section the expression “the council” means the urban district council of Bredbury and Romiley the expression “the district” means the district of such council and the expression “the surveyor” means the surveyor for the time being of such council :
- (2) All works to be constructed or laid by the Corporation in along or across any road or bridge in the district repairable by the council and not maintainable or repairable by the Cheshire County Council shall be executed at the expense of the Corporation under the superintendence and to the reasonable satisfaction of the surveyor and in accordance with plans sections and specifications to be submitted

to and approved by him in writing before the commencement of any such work Provided that if he shall not within one month after the same shall have been submitted so express his approval or disapproval thereof and in the latter case signify his requirements in relation thereto he shall be deemed to have approved thereof :

- (3) The works shall be so executed as not to unreasonably interfere with the traffic on any of the said roads or bridges in the district :
- (4) The Corporation shall pay to the council the reasonable costs in relation to the superintendence by this section authorised :
- (5) If the council shall incur any additional expense in the construction maintenance or alteration of any works of the council existing at the passing of this Act or in the maintenance of any street road or bridge repairable by the council by reason or in consequence of the execution by the Corporation of any work under the powers of this Act the Corporation shall repay to the council the amount of such additional expense :
- (6) The Corporation shall make full compensation for all expenses reasonably incurred in relation to the reinstatement of any of the said roads from time to time by reason or in consequence of the leaking bursting or giving way of any of the works by this Part of this Act authorised :
- (7) If any culvert drain sewer pipe electric cables and apparatus public well or other property of the council is damaged or in any way interfered with by the Corporation the Corporation shall repair and restore the same to the reasonable satisfaction of the council and if the Corporation do not so repair and restore the same the council may cause the necessary repairs to be done and may charge the reasonable costs and expenses against the Corporation and may recover the same in any court of competent jurisdiction :
- (8) If any of the said roads or bridges are damaged or affected by the traffic thereon in connection

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with the carrying out by the Corporation of any of the works by this Part of this Act authorised the Corporation shall repair and restore the same to the reasonable satisfaction of the council and if the Corporation do not so repair and restore the same the council may cause the necessary repairs to be done and may charge the reasonable cost and expenses against the Corporation and may recover the same in any court of competent jurisdiction :

- (9) If any difference shall arise between the Corporation and the council touching the foregoing provisions of this section or anything to be done or not to be done thereunder such difference shall be settled by arbitration by an engineer to be agreed on by the parties in difference or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either of the parties.

For pro-
tection of
Marple
Urban Dis-
trict Coun-
cil.

23. For the protection of the urban district council of Marple (in this section referred to as "the council") the following provisions shall unless otherwise agreed upon between the Corporation and the council apply and have effect (that is to say) :—

- (1) If in constructing any of the works by this Part of this Act authorised any injury or damage shall be done or committed to any of the sewers water or gas mains pipes and apparatus belonging to the council the Corporation shall at their own expense within twenty-four hours next after notice in writing given to them by the clerk or other duly authorised officer of the council cause such sewers mains pipes and apparatus to be well and effectually repaired and amended and shall pay to the council the amount of all damage or loss which may accrue by reason of any such injury or damage and in neglect or default thereof it shall be lawful for the council to cause such sewers mains pipes and apparatus so injured or damaged as aforesaid to be effectually repaired amended and made good and the reasonable costs and charges attending the same together with the amount of all

damages or loss which may accrue to the council as aforesaid shall be paid by the Corporation to the council : A.D. 1934.
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- (2) Before the Corporation shall execute any work over across under or within a distance of ten feet of any water or gas main pipe sewer drain or other incidental work attached thereto or connected therewith belonging to the council they shall prepare plans and specifications of such work which shall be submitted to and reasonably approved by the council in writing before the commencement of the work and in the execution of any such work such precautions shall be taken by the Corporation as the council may reasonably require for the protection of such water or gas main or sewer or other work of the council but if the council do not express their approval or disapproval of the said plans and specifications within fourteen days after the same shall have been received by them they shall be deemed to have approved thereof :
- (3) The Corporation shall make full compensation to the council for any loss damage or expenses which they may from time to time sustain by reason or in consequence of any interference with any apparatus or other property of the council consequent on or arising out of the leaking bursting or giving way of any mains pipes or other works of the Corporation :
- (4) The reasonable expense of all repairs or renewals of any apparatus or other property of the council which may be rendered necessary by any subsidence resulting from any works of the Corporation shall be borne and paid by the Corporation :
- (5) Any difference which shall arise between the Corporation and the council under the provisions of this section shall be determined by an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

A.D. 1934.

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As to supply
of water in
bulk to
Marple
Urban Dis-
trict Coun-
cil.

24. The urban district council of Marple shall be entitled after six months' notice in writing to receive from the Corporation for distribution and use within their district as from time to time constituted a supply of water in bulk in perpetuity up to a maximum quantity of 150,000 gallons per day over and above the quantity which the said council are entitled to receive from the Corporation under the existing agreements of the seventeenth day of July one thousand eight hundred and eighty-two and the twentieth day of April one thousand eight hundred and ninety-nine at such price and upon and subject to such terms and conditions as may be agreed between the said council and the Corporation or in default of agreement as may be determined on the application of the said council or the Corporation by the Minister of Health.

For pro-
tection of
Calico
Printers'
Association
Limited.

25. Notwithstanding anything contained in this Act the following provisions for the protection of the Calico Printers' Association Limited their successors or assigns or other the owner or owners for the time being (in this section referred to as "the owners") of the land forming the site of the Chadkirk Print Works and other adjoining land and premises and of the land forming the site of the Reddish Vale Print Works and other adjoining land and premises (each of which (including such other adjoining land and premises) is in this section included in the expression "the print works") or any part of the print works shall except so far as may be otherwise agreed in writing between the Corporation and the owners apply and have effect:—

- (1) The Corporation shall not purchase or acquire any lands or property of the owners for the purposes of or in connection with the aqueduct (Work No. 7) authorised by this Act but they may acquire such easements or rights in such lands as they may require for the purposes of that aqueduct (in this section referred to as "the aqueduct") upon such terms and conditions as may have been agreed upon between the Corporation and the owners prior to the passing of this Act or failing agreement under and in accordance with the provisions of section 55 (Acquisition of easements) of the Act of 1930 but subject to the provisions of this section:

- (2) The Corporation shall in constructing the aqueduct through any lands of the owners fence and guard all excavations from time to time made in the lands of the owners and the Corporation shall when the works are completed remove such fence and guard and restore the surface of the ground excavated as nearly as reasonably may be to its original state After the covering in of the aqueduct the owners their lessees and tenants shall have the same rights of passing over and using such lands for all purposes including the construction maintenance and user along over or under the aqueduct of any roads conduits cables drains or pipes as if easements or rights in such lands had not been acquired by the Corporation but so as not in any way to injure or endanger the aqueduct or the water flowing therein or to impede or interfere with the exercise of the easements or rights acquired by the Corporation :
- (3) If the aqueduct is constructed in under or along Vale Road Chadkirk or any part thereof or in under or along Mill Lane Reddish or any part thereof or in under or along the said road and the said lane or any parts thereof the Corporation shall during the period of such construction provide and maintain free of all cost to the owners and to the reasonable satisfaction of the owners equally suitable and convenient means of access and egress for the owners their lessees and tenants to and from their respective properties :
- (4) In the construction and maintenance of the aqueduct the Corporation shall so far as reasonably possible avoid cutting or damaging or interfering with the banks of the river Tame or of any other stream in or adjoining the lands of the owners and the Corporation shall at their own expense and to the reasonable satisfaction of the owners restore and make good any such banks so cut damaged or interfered with or which may collapse or break away either during or within three months after the completion of the construction of the aqueduct :

A.D. 1934.

A.D. 1934.
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- (5) Before entering upon any part of the lands of the owners for the purpose of constructing any work authorised by this Act the Corporation shall give not less than one month's notice in writing to the owners of their intention so to do and the construction of such work shall so far as is reasonably practicable be thereafter proceeded with uninterruptedly until completion and shall be completed in every such case within a reasonable time from the expiration of such notice as aforesaid :
- (6) Before commencing to construct any works upon in or through the lands of the owners the Corporation shall submit to the estates manager of the owners for his reasonable approval plans sections and particulars of the proposed work so far as the same is intended to be constructed upon in or through the same The proposed work to which the said plans sections and particulars relate shall be designed so as to cause as little interference as may be reasonably practicable consistently with the construction and maintenance of the aqueduct with the working of the print works and the enjoyment by the owners their lessees and tenants of their respective properties If within one month after the receipt of such plans sections and particulars the said estates manager intimates in writing to the Corporation any objection thereto or makes any requirement with respect thereto with which the Corporation are unwilling to comply a difference shall be deemed to have arisen between the Corporation and the owners which shall be settled by arbitration but if no such objection or requirement shall be intimated or made within the last-mentioned period of one month the said estates manager shall be deemed to have approved the said plans sections and particulars as submitted to him and the said works shall be carried out in accordance with the said plans sections and particulars as approved by the estates manager or as settled by arbitration and under the superintendence (if given) of the said estates manager after receiving

reasonable notice of the date when the works are to be commenced : A.D. 1934.

- (7) All roads footpaths culverts bridges watercourses pipes conduits cables walls fences gates sewers drains or other like matters and things belonging to the owners which may be interfered with or injured or otherwise injuriously affected by the Corporation during the construction or maintenance of the aqueduct shall subject to the provisions of this section be made good to the reasonable satisfaction of the said estates manager as soon as reasonably practicable by and at the expense of the Corporation who shall in such construction and maintenance do as little damage as is reasonably practicable to the land of the owners and to the user and enjoyment thereof :
- (8) The Corporation shall exercise all reasonably practicable precautions in the construction of the aqueduct so as not to divert intercept take appropriate or prejudicially affect any springs or streams or any water tributary to such springs or streams affording a supply of water to the print works :
- (9) If by reason or in consequence of the exercise of the powers of this Act by the Corporation or of any act or omission of the Corporation their contractors officers or employees it is shown that the supply of water at present afforded to the owners from the Oakwood Brook has been diminished or prejudicially affected the Corporation shall afford to the owners a free supply of clean water equivalent in quantity to the volume of water so diminished or prejudicially affected :
- (10) The Corporation shall take all reasonable means for preventing persons in their employment or in the employment of their contractors or sub-contractors trespassing on the lands of the owners and in case of any such trespass the Corporation shall pay reasonable compensation to the owners for any damage caused thereby :

[Ch. 1v.] *Stockport Corporation* [24 & 25 GEO. 5.]
Act, 1934.

A.D. 1934.
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- (11) The Corporation shall not in any fence (whether temporary or permanent) to be erected by them on any part of the land of the owners use any wire whether barbed or otherwise or any wire netting except with the consent of the owners which shall not be unreasonably withheld :
- (12) The Corporation shall make full compensation to the owners and their tenants and lessees for any damage or reasonable expense they may incur by reason or in consequence of the leaking bursting or giving way of the aqueduct :
- (13) The Corporation shall in addition to any other compensation payable to the owners their lessees or tenants under the provisions of this Act or any Act incorporated therewith be responsible for and pay to the owners their lessees and tenants full compensation for all damage done by fires caused by engines or locomotives used by the Corporation in the construction of the aqueduct :
- (14) Before commencing any haulage of materials or things for the execution of the works authorised by this Act on or over any roads on or through the lands of the owners not repairable by the inhabitants at large the Corporation shall give notice in writing to the owners and shall during the period of such haulage maintain and repair and forthwith after the completion of such haulage shall restore such roads to as good a condition as that in which they were before the haulage was commenced :
- (15) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof incorporated with this Act shall not apply with respect to any land of the owners :
- (16) If any question (other than any question to which the provisions of the Lands Clauses Acts apply) shall arise between the Corporation and the owners under this section the same shall be determined by arbitration by an engineer

to be appointed failing agreement by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other of them.

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26. For the protection of the London and North Eastern Railway Company (in this section referred to as "the company") the following provisions shall notwithstanding anything contained in this Act or shown on the deposited plans and sections and unless otherwise agreed apply and have effect (that is to say):—

For protection of London and North Eastern Railway Company.

(1) The Corporation shall not for the purpose of Work No. 7 by this Part of this Act authorised (hereinafter in this section referred to as "the said works") acquire any land or property of the company but the Corporation may purchase and take and the company shall at the request of the Corporation sell and grant such easements or rights of using so much of the land or property of the company as may be necessary for the construction maintenance and use of the said works over into through or under the Macclesfield Canal and the Peak Forest Canal of the company in accordance with the provisions of this section and the Corporation shall pay to the company in respect of any such easements or rights such sum as shall in case of dispute be determined by arbitration under and in accordance with the provisions of the Lands Clauses Acts with respect to the settlement of cases of disputed compensation under those Acts :

(2) Before constructing the said works or any subsequent repairs thereof in over under or affecting any of the canals works and property of the company the Corporation shall submit to the company plans sections working drawings and specifications thereof showing the line and level of and the manner in which the said works or operations are to be carried out and the mode of execution thereof for the approval of the company which approval shall not be unreasonably withheld and shall be deemed to have been given unless the company signify their

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disapproval within twenty-one days after submission of the said plans sections working drawings and specifications for approval :

- (3) The said works and operations shall be constructed carried on and completed and thereafter maintained repaired and renewed by the Corporation in strict conformity with the plans sections working drawings and specifications so approved at the sole risk and cost of the Corporation and under the supervision and to the reasonable satisfaction of the engineer of the company :
- (4) The Corporation shall not for the purposes of the said works without the previous consent in writing of the company enter upon or alter or interfere with the canals works and property of the Company further or otherwise than may be necessary for constructing maintaining and renewing the said works so far as they may be laid in upon over or under the said canals works and property of the company of which they shall give the company fourteen days' notice in writing except in cases of emergency in which case such notice as is reasonably practicable shall be given :
- (5) The Corporation shall pay to and reimburse the company all reasonable costs charges and expenses which they may incur in connection with the construction of the said works or the subsequent maintenance renewal use alteration replacing or repair thereof including (without prejudice to the said generality) any expense which the company may reasonably incur in connection with the employment of a reasonably sufficient number of inspectors watchmen and others and for superintendence during construction of the said works and for all extra precautions for the safety and working of their traffic or protection of their property on account of the execution maintenance renewal use alteration replacing or repair of the said works :
- (6) The said works and operations and the subsequent maintenance renewal alteration replacing or

repair thereof shall in so far as the same affect the canals works and property of the company be carried out by the Corporation so as not to injure or alter or interfere with (except so far as may be necessary for carrying out the said works and operations) or endanger the structure or stability of any of the said canals works and property of the company and should any damage or injury to the said canals works and property or interruption or impediment of or interference with the passage or conduct of traffic on the said canals of the company be caused by or be in any way owing to the said works or operations of the Corporation or the failure of or defect in the said works or operations the Corporation shall at their own cost and free of all expense to the company execute and do all such works as may be necessary to restore the damage or injury and remove such interruption impediment or interference as the case may be or the company at their option and for any of such purposes may enter upon the works or property of the Corporation and execute all such works and do all such things as may be necessary to restore such damage or injury or to remove or prevent such interruption impediment or interference and the Corporation shall on demand repay to the company all reasonable costs and expenses incurred by them in connection therewith :

- (7) The Corporation shall make reasonable compensation to the company for all loss or damage caused by the said works and operations interruption impediment or interference to or with the said canals and works and property of the company and the Corporation shall also free and relieve and indemnify the company from all damages or compensation which may be recovered from them at the instance of their employees owners of merchandise traders or owners of property adjoining the said works or any other person or persons by reason of such interruption impediment or interference or by reason of any accident so far as such interruption impediment interference or accident

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shall have been occasioned by or through the acts or default of the Corporation or those for whom they are responsible :

- (8) The construction maintenance or repair of the said works or anything which may be done in connection therewith shall not prevent the company from maintaining and repairing and whenever in their discretion thought necessary reconstructing altering renewing deviating widening or enlarging any of the canals or other works or property belonging to them without interference on the part of the Corporation and without incurring any liability to them or to any person using the said works for any loss injury damages or expenses which may arise from such maintenance repair reconstruction alteration renewal deviation widening or enlarging Provided that any extra expense which the company may incur in such maintenance repair renewal deviation widening enlarging alteration or reconstruction by reason of the existence of the said works shall be paid by the Corporation :
- (9) In the event of the company doing any of the acts referred to in the immediately preceding subsection they shall do so in such manner as to cause as little damage and interference as practicable to and with the works of the Corporation and shall give (except in case of emergency in which case such notice as is reasonably practicable shall be given) fourteen days' previous notice in writing to the Corporation before commencing any such operations as may affect the said works :
- (10) If the company give to the Corporation notice that they themselves desire to construct so much of the said works as will be situate on the lands and property of the company the company may themselves execute such works and alterations at the sight and to the reasonable satisfaction of the engineer to the Corporation and recover the reasonable costs thereof from the Corporation :

(11) Any question or difference between the Corporation and the company arising under this section shall be referred to the arbitration of an engineer to be agreed upon between the Corporation and the company or failing agreement to be appointed by the President of the Institution of Civil Engineers and subject thereto the Arbitration Act 1889 shall apply to such arbitration.

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27. For the protection of the Cheshire Lines Committee the Great Central and Midland Joint Committee and the Great Central and North Staffordshire Railway Committee (each of whom is in this section referred to as "the committee") the following provisions shall notwithstanding anything contained in this Act or shown on the deposited plans and sections and unless otherwise agreed apply and have effect (that is to say) :—

For protection of Cheshire Lines Committee Great Central and Midland Joint Committee and Great Central and North Staffordshire Railway Committee.

(1) The Corporation shall not for the purposes of Work No. 7 by this Part of this Act authorised (hereinafter in this section referred to as "the said waterwork") acquire any land or property of the committee but the Corporation may purchase and take and the committee shall at request of the Corporation sell and grant such easements or rights of using so much of the land or property of the committee as may be necessary for the construction maintenance and use of the said waterwork over into through or under the railway of the committee in accordance with the provisions of this section and the Corporation shall pay to the committee in respect of any such easements or rights such sum as shall in case of dispute be determined by arbitration under and in accordance with the provisions of the Lands Clauses Acts with respect to the settlement of cases of disputed compensation under those Acts :

(2) Before constructing the said waterwork or any subsequent repairs thereof in over under or affecting any of the railways works and property of the committee the Corporation shall submit to the committee plans sections working drawings and specifications thereof showing the

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line and level of and the manner in which such work or operations are to be carried out and the mode of execution thereof for the approval of the committee which approval shall not be unreasonably withheld and shall be deemed to have been given unless the committee signify their disapproval within twenty-one days after submission of the said plans sections working drawings and specifications for approval. Provided that when in the opinion of the engineer of the committee there is not a reasonably sufficient space on any bridge to lay any mains or pipes between the road surface and the structure of any such bridge the committee may require such mains or pipes to be carried outside or (if reasonably required by them) independently of the structure of any such bridge and shall afford all reasonable facilities for the purpose :

- (3) The said waterwork and operations shall be constructed carried on and completed and thereafter maintained repaired and renewed by the Corporation in strict conformity with the plans sections working drawings and specifications so approved at the sole risk and cost of the Corporation and under the supervision and to the reasonable satisfaction of the engineer of the committee :
- (4) The Corporation shall not for the purposes of the said waterwork without the previous consent in writing of the committee enter upon or alter or interfere with the railways works and property of the committee further or otherwise than may be necessary for constructing maintaining and renewing the said waterwork so far as the same may be laid in upon over or under the said railways works and property of the committee of which they shall give the committee fourteen days' notice in writing except in cases of emergency in which case such notice as is reasonably practicable shall be given :
- (5) The Corporation shall pay to and reimburse the committee all reasonable costs charges and

expenses which they may incur in connection with the construction of the said waterwork or the subsequent maintenance renewal use alteration replacing or repair thereof including (without prejudice to the said generality) any expense which the committee may reasonably incur in connection with the employment of a reasonably sufficient number of inspectors signalmen watchmen and others and for superintendence during construction of the said waterwork and for all extra precautions for the safety and working of their traffic or protection of their property on account of the execution maintenance renewal use alteration replacing or repair of the said waterwork :

- (6) All the said waterwork and operations and the subsequent maintenance renewal alteration replacing or repair thereof shall in so far as the same affect the railways works and property of the committee be carried out by the Corporation so as not to injure or alter or interfere with (except so far as may be necessary for carrying out the said work and operations) or endanger the structure or stability of any of the said railways works and property of the committee and should any damage or injury to the said railways works and property or interruption or impediment of or interference with the passage or conduct of traffic on the said railways of the committee be caused by or be in any way owing to the said works or operations of the Corporation or the failure of or defect in the said work or operations the Corporation shall at their own cost and free of all expense to the committee execute and do all such works as may be necessary to restore the damage or injury and remove such interruption impediment or interference as the case may be or the committee at their option and for any of such purposes may enter upon the works or property of the Corporation and execute all such works and do all such things as may be necessary to restore such damage or injury or to remove or prevent such interruption impediment or interference and the

A.D. 1934. :

Corporation shall on demand repay to the Committee all reasonable costs and expenses incurred by them in connection therewith :

- (7) The Corporation shall before carrying out so much of the said waterwork as will be below the existing level of the ground construct such temporary or permanent works as may be reasonably necessary to support the railway or to enable as far as possible the trains of the committee to pass without the necessity of slackening speed and in the event of the Corporation constructing the said waterwork under any bridge or other structure of the committee at a lower level than the foundations of such bridge or structure any underpinning which may be reasonably necessary to ensure the stability of such bridge or structure in consequence of the carrying out of the said waterwork shall (on the committee giving at least seven days' notice thereof to the Corporation) be executed by the committee but in all things at the expense of the Corporation :
- (8) The Corporation shall make reasonable compensation to the committee for all loss or damage caused by the said waterwork and operations interruption impediment or interference to or with the said railways and works and property of the committee and the Corporation shall also free and relieve and indemnify the committee from all damages or compensation which may be recovered from them at the instance of their employees passengers owners of merchandise traders or owners of property adjoining the said works or any other person or persons by reason of such interruption impediment or interference or by reason of any accident so far as such interruption impediment interference or accident shall have been occasioned by or through the acts or default of the Corporation or those for whom they are responsible :
- (9) The construction maintenance or repair of the said waterwork or anything which may be done in connection therewith shall not prevent the

committee from maintaining and repairing and whenever in their discretion thought necessary reconstructing altering renewing deviating widening or enlarging any of the lines of railway or other works or property belonging to them without interference on the part of the Corporation and without incurring any liability to them or to any person using the said waterwork for any loss injury damages or expenses which may arise from such maintenance repair reconstruction alteration renewal deviation widening or enlarging Provided that any extra expense which the committee may incur in such maintenance repair renewal deviation widening enlarging alteration or reconstruction by reason of the existence of the said waterwork shall be paid by the Corporation :

- (10) In the event of the committee doing any of the acts referred to in the immediately preceding subsection they shall do so in such manner as to cause as little damage and interference as practicable to and with the works of the Corporation and shall give (except in case of emergency in which case such notice as is reasonably practicable shall be given) fourteen days' previous notice in writing to the Corporation before commencing any such operations as may affect any of the said works :
- (11) If the committee give to the Corporation notice that they themselves desire to construct so much of the said waterwork as will be situate on the lands and property of the committee the committee may themselves execute such works and alterations at the sight and to the reasonable satisfaction of the engineer to the Corporation and recover the reasonable costs thereof from the Corporation :
- (12) Any question or difference between the Corporation and the committee arising under this section shall be referred to the arbitration of an engineer to be agreed upon between the Corporation and the committee or failing agreement to be appointed by the President of the Institution of Civil Engineers and subject thereto the Arbitration Act 1889 shall apply to such arbitration.

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PART III.

GAS.

Extension
of gas
limits.

28.—(1) The limits within which the Corporation are empowered to supply gas shall be extended so as to include so much of the parish of Poynton-with-Worth as is not already within the said limits :

Provided that the Corporation shall not supply gas within such part of the said parish as aforesaid without the previous consent in writing of the Poynton Collieries Company Limited or other the owner or owners for the time being of the Poynton gasworks.

(2) Subject to the provisions of this section the Corporation shall have and may exercise within the said part of the said parish all and the like powers privileges and authorities for and in relation to the supply of gas and be subject to all and the like duties and obligations in respect thereof as they now have and are subject to within their existing gas limits.

As to purchase of
Poynton
gasworks.

29.—(1) The Corporation may at any time after the passing of this Act by agreement acquire from the Poynton Collieries Company Limited or other the owner or owners for the time being thereof the Poynton gasworks situate in the parish of Poynton-with-Worth and the plant mains pipes lands buildings rights and privileges of the said owner or owners in connection with such gasworks for such consideration and on such terms and conditions as may be contained in such agreement.

(2) On the completion of the purchase of the said gasworks the proviso to subsection (1) of section 8 (Extension of limits of supply) of the Stockport Gas Order 1929 and the proviso to subsection (1) of the section of this Act of which the marginal note is "Extension of gas limits" shall be and the same are hereby repealed.

Power to
cut off gas
supplies
where
charges &c.
not wholly
paid.

30. The powers of the Corporation under section 16 of the Gasworks Clauses Act 1847 of stopping supplies of gas and cutting off or disconnecting service pipes or works and under section 23 of the Gasworks Clauses Act 1871 of recovering the expenses incurred in such cutting off or disconnecting shall be exerciseable in any case in which there remains unpaid any part of any charge or sum due to the Corporation for gas supplied

by them or in respect of any gas apparatus or fitting let on hire by the Corporation or supplied by them on hire-purchase terms and which the Corporation are under obligation to maintain.

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31. For the purposes of article I of the Stockport Order confirmed by the Local Government Board's Provisional Orders Confirmation (No. 10) Act 1886 all gas meters gas engines gas cooking ovens stoves ranges pipes and other fittings therein referred to which are disposed of by the Corporation on the terms of payment by instalments shall until the whole of the instalments have been paid be deemed to be fittings let on hire by the Corporation.

Gas fittings subject to hire-purchase.

32. If the Corporation commence proceedings for the summary recovery of a sum due to them for the supply of gas any other payment due to the Corporation by the same consumer for the sale hire connection repair or maintenance of meters pipes fittings apparatus and appliances for lighting heating or motive power may be included in the same summons and may be recovered summarily as a civil debt provided the amount due in respect thereof does not exceed twenty pounds.

As to charges for gas fittings &c.

33. The Corporation may supply gas to any house building or premises which or the curtilage of which is partly within and partly outside the limits within which the Corporation are authorised to supply gas in the same manner as if those premises were wholly within such limits :

Supply to premises partly without gas limits.

Provided that the Corporation shall not supply gas under this section to any premises within the limits of any other local authority company or person authorised to supply gas without the consent of such local authority company or person as the case may be which consent shall not be unreasonably withheld Any question as to whether any such consent is unreasonably withheld shall be determined by the Board of Trade.

PART IV.

ELECTRICITY.

34. If the Corporation commence proceedings for the summary recovery of a sum due to them for the supply of electricity any other payment due to the

As to charges for electric fittings &c.

A.D. 1934. Corporation by the same consumer for the sale hire connection repair or maintenance of lamps meters electric lines fittings apparatus and appliances for lighting heating or motive power may be included in the same summons and may be recovered summarily as a civil debt provided the amount due in respect thereof does not exceed twenty pounds :

Provided that if by any public Act passed in the present session of Parliament general powers similar to those of this section shall be conferred upon authorised undertakers for the supply of electricity the provisions of this section shall cease to have effect as from the date on which such general powers come into operation.

Supply to premises partly with-out electricity limits.

35. The Corporation may supply electricity to any house building or premises which or the curtilage of which is partly within and partly outside the limits within which the Corporation are authorised to supply electricity in the same manner as if those premises were wholly within such limits :

Provided that the Corporation shall not supply electricity under this section to any premises within the limits of any other authorised undertakers without the consent of such undertakers which consent shall not be unreasonably withheld Any question as to whether any such consent is unreasonably withheld shall be determined by the Electricity Commissioners.

PART V.

SUPERANNUATION &C.

Meaning of expressions in Part V of Act.

36. Words and expressions to which meanings are assigned by the Local Government and other Officers' Superannuation Act 1922 (in this Part of this Act referred to as "the Act of 1922") have in and for the purposes of this Part of this Act the same respective meanings unless there is something in the subject or context repugnant to such construction.

Reduction or suspension of salary or wages.

37. In the event of the salary or wages of an officer or servant being either—

- (a) reduced on account of his mental or physical infirmity; or
- (b) suspended by reason of illness;

he may if he so desires with the consent of the Corporation continue to contribute to the superannuation fund established by the Corporation under and in accordance with the provisions of the Act of 1922 (in this Part of this Act referred to as "the superannuation fund") in all respects as if such reduction or suspension had not taken effect and in the event of his so continuing to contribute the amount of his salary or wages for the period in respect of which he so continues to contribute shall for the purposes of the Act of 1922 be deemed to be the amount of the salary or wages which he would have received in respect of that period if such reduction or suspension had not taken place.

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38. Notwithstanding anything contained in the Act of 1922 the Corporation shall not be required to make any payment by way of superannuation allowance under that Act to or for the benefit of any person unless satisfactory proof is given to the Corporation in such manner and at such times as they may from time to time require of the continued existence of such person.

As to proof
of continued
existence of
pensioners.

39.—(1) If within one month before becoming entitled to a superannuation allowance under paragraph (b) or paragraph (c) of subsection (1) of section 6 (Title to superannuation allowances) of the Act of 1922 an officer or servant has given notice in writing to the treasurer requiring that the provisions of this section shall apply to him and to any wife to whom he is married on the date on which he becomes entitled to a superannuation allowance then unless the Corporation (being of opinion that the state of health of such person is not reasonably satisfactory having regard to his age) decide not to comply with his requirement the following provisions shall have effect :—

Annuities
for widows.

(a) The amount of every payment in respect of the superannuation allowance payable to such person (in this section called "the retired officer") shall be reduced by eleven per centum and if his wife is younger than the retired officer shall be further reduced by an amount ascertained as follows :—

(i) Where the case falls within the table set out in the schedule to this Act calculated in accordance with that table; and

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(ii) In any other case such an amount as shall be certified by an actuary to be just;

(b) If the wife of the retired officer in respect of whom the said notice was given survives him and does not cease before the date of his death to be his wife she shall be entitled after his death to receive for life out of the superannuation fund an annuity equal to one-third of the annual amount of his superannuation allowance calculated as if it had not been reduced as aforesaid.

(2) An annuity under this section shall not be capable of assignment or transfer.

(3) In cases where the superannuation allowance of a retired officer would if he had not given notice under subsection (1) of this section exceed the sum of one thousand pounds per annum the provisions of this section shall apply only to that sum and the balance of his superannuation allowance shall be paid to him as if he had not given such notice.

(4) Subsection (1) of this section shall not apply to an officer or servant who has not attained the age of sixty years when he ceases to hold his office or employment.

(5) If the superannuation allowance of the deceased officer or servant was by reason of the proviso to subsection (1) of section 16 of the Act of 1922 not paid wholly out of the superannuation fund such proportion only of an annuity under this section shall be paid out of the superannuation fund as corresponds to the portion of the said superannuation allowance which was so paid.

(6) In any case in which an annuity becomes payable under this section—

(i) the Corporation shall not be required to make any payment to the legal personal representative of the deceased officer or servant under the provisions of subsection (2) of section 12 of the Act of 1922;

(ii) on the cesser of the annuity by reason of the death of the recipient thereof the Corporation shall pay to her legal personal representative such sum if any as shall be equivalent to the

amount by which the aggregate amount of the contributions of the deceased officer or servant under the Act of 1922 together with compound interest thereon calculated to the day of his retirement at the rate of three per centum per annum with half-yearly rests exceeds the aggregate of the total amount which the deceased officer or servant received by way of superannuation allowance and the total amount which his widow received by way of annuity under this section.

A.D. 1934.
—

40. The Corporation shall make provision for the payment of a superannuation allowance according to the scale laid down in the Act of 1922 to any officer or servant who is the holder of any joint appointment in the service of the Corporation whose engagement is terminated by the death resignation or insanity of the other holder of the appointment (unless such officer or servant has been offered an appointment to the same or a similar post and at remuneration proportionately not less than that previously earned) and may make such provision if his engagement is terminated by reason of the misconduct of the other holder of the appointment Provided that in either case he has attained the age of fifty years or has completed twenty years' service.

As to
superannua-
tion of
holders of
joint
appoint-
ments.

Nothing in this section shall prejudicially affect any right or interest in respect of a superannuation allowance which the holder of a joint appointment may have under the Poor Law Officers' Superannuation Act 1896 or under subsection (1) or subsection (2) of section 124 of the Local Government Act 1929.

For the purposes of this section " joint appointment " includes any office the tenure whereof is determined by the death removal resignation or incapacity of the holder of another office under the Corporation.

PART VI.

FINANCE AND MISCELLANEOUS.

41. The powers of the Corporation to borrow money under the Act of 1930 for the purpose (b) mentioned in subsection (1) of section 71 (Power to Corporation to borrow) of the said Act shall be reduced to the sum of

Reduction
of borrow-
ing powers
under Act
of 1930.

A.D. 1934. — eight hundred and seventy-two thousand nine hundred and ninety-three pounds.

Power to
the Cor-
poration to
borrow.

42.—(1) The Corporation shall have power in addition and without prejudice to their powers of borrowing under the Local Government Act 1933 from time to time to borrow without the consent of any sanctioning authority for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column of the said table and they shall pay off all moneys so borrowed within such periods as the Corporation may determine not exceeding those respectively mentioned in the third column of the said table (namely):—

1	2	3
Purpose.	Amount.	Period for repayment.
(a) For and in connection with the purchase of lands and easements for the works authorised by this Act and for other purposes in connection with the water undertaking.	£ 5,000	Sixty years from the date or dates of borrowing.
(b) For the construction of the said works.	165,000	
(c) For and in connection with the purchase of lands and easements for the waterworks authorised by the Act of 1930 in excess of the amount authorised by that Act.	10,000	
(d) For the construction of filters	18,000	Forty years from the date or dates of borrowing.
(e) For the payment out of capital of interest on money borrowed for purposes (a) (b) and (c) mentioned in this subsection until the completion of the Fernilee reservoir as enlarged under the provisions of this Act or the expiration of ten years from the date or dates of borrowing whichever be the earlier.	Such sum as may be requisite.	Sixty years from the date or dates of borrowing.
(f) For paying the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

(2) The provisions of Part IX of the Local Government Act 1933 so far as they are not inconsistent with this Part of this Act shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of that Act and the period fixed for the repayment of any money borrowed under this section shall as respects that money be the fixed period for the purpose of the said Part IX.

A.D. 1934.

43. Sections 213 and 214 of the Local Government Act 1933 shall apply with respect to any sinking fund formed by the Corporation for the repayment of any money borrowed (otherwise than by the issue of stock) before the passing of this Act under any statutory borrowing power as if it had been borrowed by way of mortgage and the Corporation shall make such adjustments of any existing sinking funds as may be proper.

Application
of Act of
1933 to
existing
sinking
funds.

44. Notwithstanding the provisions of subsection (2) of section 198 and subsection (2) of section 212 of the Local Government Act 1933 it shall not be obligatory on the Corporation to commence the repayment (by sinking fund or otherwise) of any moneys borrowed for the purposes (a) (b) and (c) mentioned in subsection (1) of the section of this Act whereof the marginal note is "Power to the Corporation to borrow" until the completion of the work for or in connection with which the money is borrowed or the expiration of fifteen years from the date or dates of borrowing the money whichever shall be the earlier.

Suspending
payment to
sinking
fund.

45.—(1) The Corporation may (if they think fit) establish a fund to be called "the insurance fund" with a view of providing a sum of money which shall be available for making good all losses damages costs and expenses to which the Corporation may be subjected in consequence of the happening of any event against which in the absence of that fund the Corporation would ordinarily insure.

Insurance
fund.

(2) The establishment of an insurance fund under this section shall not prevent the Corporation from insuring in one or more insurance offices against the whole or any part of all or any of the several risks for which the insurance fund is intended to provide.

(3) In each year after the establishment of the insurance fund the Corporation shall carry to the credit

A.D. 1934. of that fund such a sum as they may think fit but when the said fund shall amount to such sum as may from time to time be prescribed by the Corporation the Corporation shall discontinue such yearly credits but if the said fund is at any time reduced below the sum so prescribed the Corporation may recommence and continue the said yearly credits until the said fund be restored to the sum so prescribed.

(4) The amounts carried to the credit of the insurance fund as aforesaid shall be debited in the accounts of the Corporation against the particular undertaking department or service of the Corporation which if the risks against which it is intended to provide were insured against in an insurance office would be properly chargeable with the payment of the premiums of such insurance.

(5) (a) Except so far as the insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet losses damages costs and expenses in consequence of the happening of any event against which the fund is intended to provide insurance or are used in the manner authorised by section 75 (Use of moneys forming part of sinking and other funds) of the Act of 1930 all moneys for the time being standing to the credit of the insurance fund shall be invested in statutory securities.

(b) If and so long as the insurance fund amounts to the prescribed amount the interest and other annual proceeds received by the Corporation in respect of or on investments forming part of the insurance fund and carried to the general rate fund shall be apportioned in the accounts of the Corporation between the several undertakings departments or services liable to contribute to the insurance fund in such shares or proportions as may be equitable.

(6) The amounts carried to the credit of the insurance fund and any accretions to that fund shall be included within and shall form part of the general rate fund and shall remain subject to the provisions of section 77 (Application of revenue and payment of expenses of certain undertakings) of the Act of 1930.

(7) For the purposes of this section the Corporation may if they deem it expedient include in the risks to be covered by the insurance fund risks of accident to any

person employed in any school college educational institute or hostel maintained by the Corporation notwithstanding that such school college institute or hostel has not been provided by the Corporation as the local education authority.

A.D. 1934:
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(8) The insurance fund may be applied to meet any losses damages costs or expenses sustained by the Corporation in consequence of the happening of any event against which it is intended to provide insurance in the order of the dates on which such losses damages costs or expenses become ascertained and if at any time and from time to time the insurance fund shall be insufficient to make good any such losses damages costs or expenses the Corporation may with the sanction of the Minister of Health borrow at interest under and subject to the provisions of this Act such sums of money as will be necessary to make up the deficiency The amounts of the annual charges in respect of interest on and repayment of principal of any sums so borrowed and the amounts of any such deficiencies as aforesaid not made up by borrowing shall be paid out of the general rate fund and charged in the accounts of the Corporation under the separate headings or divisions in respect of such undertakings departments or services of the Corporation and in such proportions as the said Minister may direct having regard to the risks through which such deficiencies arise.

(9) The money standing to the credit of any insurance fund of the Corporation existing at the date of the establishment of the insurance fund shall be credited to the insurance fund and any securities representing the whole or part of any such existing fund shall be deemed to be securities forming part of the insurance fund.

(10) As from the date of the establishment of the insurance fund section 52 (Fire insurance fund) of the Stockport Corporation Act 1900 shall be and is hereby repealed.

46.—(1) The Corporation may establish a fund to be called the "capital reserve fund" for the purpose of defraying any expenditure to which capital is properly applicable (other than expenditure in connection with the tramway omnibus gas water and electricity undertakings of the Corporation) to an amount not exceeding five

Capital
reserve
fund.

A.D. 1934. — thousand pounds in any one transaction and such fund shall be formed by appropriating such sums out of the general rate fund (other than so much of the last-mentioned fund as is represented by moneys derived from the above-mentioned undertakings) as the Corporation from time to time deem expedient:

Provided that—

- (a) any sum so appropriated to the capital reserve fund from the general rate fund shall not exceed in any year the equivalent of a rate of three pence in the pound calculated according to the rules made pursuant to section 9 of the Rating and Valuation Act 1925;
- (b) appropriations to and payments into the capital reserve fund shall cease to be made whenever the said fund amounts to the sum of fifty thousand pounds.

(2) (a) Pending the application of the capital reserve fund to the purposes referred to in the foregoing subsection the moneys in the said fund shall be either invested in statutory securities or used in the manner authorised by section 75 (Use of moneys forming part of sinking and other funds) of the Act of 1930.

(b) Any income arising from the investment or use of the moneys in the capital reserve fund in the manner provided by the foregoing paragraph of this subsection and any income arising from the application of the fund to the purposes authorised shall be carried to and form part of the general rate fund and (subject to the limitation imposed by subsection (1) (b) of this section) an amount equivalent to such income shall be transferred from the general rate fund to the credit of the capital reserve fund.

As to
school
agreements.

47. Any agreement entered into between the Corporation and the parent or guardian of a pupil at any secondary or technical school belonging to the Corporation may make provision for the payment by such parent or guardian to the Corporation of any sum not exceeding ten pounds in the event of the pupil ceasing without reasonable cause to attend any such school prior to the date fixed by such agreement for the pupil

to cease attendance at such school and the Corporation shall be entitled without proof of any actual damage incurred by reason of such pupil ceasing to attend any such school as aforesaid to recover summarily as a civil debt from such parent or guardian any sum not exceeding the sum specified in the agreement as the court may think fit to award in all the circumstances of the case.

A.D. 1934.
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48. If a justice is satisfied on complaint by any officer of the Corporation duly authorised that any person is quitting or about to quit any premises in the borough and has failed to pay on demand any general rate or any gas water or electricity rate or charge which may be due from him and intends to evade payment of the same by departing from the borough the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the said officer to seize forthwith and detain the goods and chattels of such person until the complaint is determined upon the return of the summons.

Recovery
of rate
from per-
sons remov-
ing.

49. The expenses to be recoverable by the Corporation under section 150 (Power to compel paving of private streets &c.) of the Public Health Act 1875 shall include in addition to the amount of the expenses incurred by them in executing the works referred to in that section a sum not exceeding five pounds per centum of that amount in respect of surveys superintendence and notices.

Private
street
works
expenses.

50. The following sections of the following Acts are incorporated with this Act and shall apply as if the same with the necessary modifications were set out in this Act (namely):—

Incorpora-
tion of
certain pro-
visions of
former Acts.

The Stockport Corporation Water Act 1899—

Section 75 (Application of moneys from sale &c.
of lands).

The Stockport Corporation Act 1899—

Section 129 (Powers of Act cumulative);

Section 134 (Compensation how to be deter-
mined);

Section 138 (Damages and charges to be settled
by justices).

[Ch. Iv.] *Stockport Corporation* [24 & 25 GEO. 5.]
Act, 1934.

A.D. 1934.

The Stockport Corporation Water Act 1901—

Section 11 (Persons under disability may grant easements &c.);

Section 12 (Power to hold lands and exercise powers for protection of water and waterworks);

Section 56 (Saving rights of Duchy of Lancaster); and

Section 57 (Authentication and service of notices).

The Stockport Corporation Act 1905—

Section 56 (Incorporation of section 265 of Public Health Act);

Section 58 (Saving for indictments);

Section 61 (Recovery of penalties &c.); and

Section 62 (Crown rights).

The Act of 1930—

Section 84 (Recovery of demands); and

Section 85 (Judges not disqualified).

Inquiries by
Minister of
Health.

51. The Minister of Health may hold such inquiries as he may consider necessary in regard to the exercise of any powers conferred upon him or the giving of consents under this Act and section 290 of the Local Government Act 1933 shall apply accordingly.

Service of
demand
notes.

52. The provisions of section 59 of the Rating and Valuation Act 1925 relating to the sending or service of demand notes shall apply to demand notes for any charges made in connection with any undertaking department or service of the Corporation.

Byelaws
under
Tramways
Act 1870.

53. The provisions of sections 250 to 252 of the Local Government Act 1933 (which relate to the procedure for making byelaws penalties thereunder and evidence thereof) shall apply to any byelaws which may hereafter be made by the Corporation under any Act or Order confirmed by Parliament incorporating sections 46 and 47 of the Tramways Act 1870 instead of the corresponding provisions contained in those sections and as respects any such byelaws the confirming authority for the purposes of the said section 250 shall be the Minister of Transport.

54. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation and may be paid in the first instance out of any moneys in their hands but shall be charged to and recouped by the moneys which the Corporation are authorised to borrow under the powers of this Act.

A.D. 1934.

Costs of
Act.

A.D. 1934.

The SCHEDULE referred to in the
foregoing Act.

REDUCTION OF SUPERANNUATION ALLOWANCE.

Difference of age between husband and wife.	Further percentage reduction from husband's pension.
Less than 1 year	1 per cent.
1 year and less than 2 years	2 "
2 years	3 "
3 "	3 $\frac{3}{4}$ "
4 "	4 $\frac{1}{2}$ "
5 "	5 $\frac{1}{4}$ "
6 "	6 "
7 "	6 $\frac{3}{4}$ "
8 "	7 $\frac{1}{2}$ "
9 "	8 $\frac{1}{4}$ "
10 "	9 "

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